

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

MOSES CARTER, JR., #59721,	)	
	)	
Petitioner,	)	
	)	
v.	)	CASE NO.: 1:08-cv-1005-MEF
	)	
THE ATTORNEY GENERAL OF	)	
THE STATE OF ALABAMA, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**ORDER**

The Magistrate Judge entered a Recommendation (Doc. #15) in this case to which no timely objections have been filed. After a review of the Recommendation, and after an independent review of the entire record, the Court believes that the Recommendation should be adopted. Accordingly, it is

ORDERED that the RECOMMENDATION (Doc. #15) of the Magistrate Judge is ADOPTED. The petition pursuant to 28 U.S.C. § 2254 is DISMISSED without prejudice to afford Petitioner an opportunity to exhaust all available state court remedies.

Done this the 6<sup>th</sup> day of April, 2009.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE